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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,792	11/29/2000	William J. Sequeira	600253.031	3061
61834 DREIER LLP 499 PARK AVE NEW YORK, NY 10022	7590 06/05/2008		EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 06/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/725,792

Applicant(s)

SEQUEIRA, WILLIAM J.

Examiner

DOMINIC D. SALTARELLI

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No./Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 19, 2008 have been fully considered but they are not persuasive.

First, applicant argues that the change to an event described by Tomoika is to the original event, and not to "at least one of the at least one other event", as claimed, thus does not meet the claimed limitations (applicant's remarks, page 7).

In response, the "at least one other event", with regards to Tomoika, is the succeeding program. In the example provided in Tomoika (col. 20, lines 45-65), the event in question is the program "Monday Night Movie", and the at least one other event is the succeeding program, "News Summary".

Second, applicant argues that Throckmorton does not teach or suggest the execution of a procedure to change the at least one other event (applicant's remarks, page 8).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Tomoika teaches the execution of a procedure to change the at least one other event, the modification of Tomoika in

view of Throckmorton is simply to designate the other event as associated data rather than a subsequent program.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomoika et al. (6,606,748, of record) [Tomoika] in view of Throckmorton et al. (5,818,441, of record) [Throckmorton].

Regarding claims 19, 23, and 27, Tomoika discloses a method, system, and computer program product embodied on a computer readable medium for synchronizing and propagating changes to an event comprising:

assigning means for assigning an event an event identifier, the event comprising multimedia data (fig. 1, which collects the program guide data and parses it into individually accessible portions of event data, referred to as "framework data" and "variation data", col. 9 line 66 – col. 10 line 45);

first registering means for registering the event in a first table (the first table is the aforementioned "variation data", col. 14, lines 35-45 and col. 20, lines 28-30) wherein said first table stores the event identifier and an event trigger (col. 20, lines 11-24);

second registering means for registering interests of another event in a second table (creation of the management data in the management data storage section, col. 11, lines 1-15 and col. 18, lines 47-67) wherein said second table stores a procedure to execute for the event trigger (such as for program shifts, if a first program is lengthened by an amount, subsequent programs on the same channel must then be altered accordingly, col. 20, lines 45-65);

changing means for changing the event wherein the change generates an event trigger (col. 18, lines 24-31, new variation data is a change to one or more event, and will include an event trigger generated by the information provider regarding the changes, col. 20, lines 11-24 and 45-65);

first inspecting means for inspecting the first table to identify the event trigger for the generated event trigger (fig. 2, which includes means for inspecting the variation data storage section 12B);

second inspecting means for inspecting the second table for the procedure to execute upon identifying the event trigger for the event identifier (fig. 2, which includes means for inspecting the management data storage section 12C); and

executing means for executing the procedure to change one of the other events in response to identifying said procedure upon inspecting the second table (col. 20, lines 45-65).

Tomoika fails to disclose said at least one other event is a subsidiary event that provides the viewer with additional multimedia data that enhances said event.

In an analogous art, Throckmorton discloses a multimedia distribution system wherein additional content is associated with primary content, said additional content is subsidiary content that provides the viewer with additional multimedia data that enhances said primary content, enhancing the utility of the primary content stream to a user (col. 3, lines 55-67).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method, system, and computer program of Tomoika to include at least one other event is a subsidiary event that provides the viewer with additional multimedia data that enhances said event, as taught by Throckmorton, enhancing the utility of the event (primary content). The synchronization of events applies to subsidiary events because said events are time dependent upon the primary event, and any changes to the primary event must be reflected in the subsidiary events (see Throckmorton, col. 4, lines 52-65).

Regarding claims 20 and 24, Tomoika and Throckmorton disclose the method and system of claims 19 and 23, wherein the first inspecting means uses the event identifier (to identify the even being changed, such as the duration of a particular movie, Tomoika, col. 20, lines 45-65).

Regarding claims 21 and 25, Tomoika and Throckmorton disclose the method and system of claims 19 and 23, wherein the second inspecting means uses the event identifier and the event trigger (in the case of an extended movie, the movie itself is recognized by the second means in addition to the value by which its duration is being extended, Tomoika, col. 20, lines 45-65, when being manipulated according to the management data, Tomoika, col. 19, lines 1-15).

Regarding claims 22 and 26, Tomoika and Throckmorton disclose the method and system of claims 19 and 23, wherein execution of the procedure modifies a data model (the program guide seen in fig. 5 of Tomoika, wherein the changes taking place are shown in fig. 4 of Tomoika).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic D Saltarelli/
Examiner, Art Unit 2623

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

